

**A SUMMARY OF**

# **Bicycle and Pedestrian Safety Provisions Of the Federal-Aid Program**

**As Amended by SAFETEA-LU, the Safe,  
Accountable, Flexible and Efficient  
Transportation Equity Act: A Legacy for  
Users**

A report by  
**Rep. James L. Oberstar**  
Chairman  
House Committee on Transportation and Infrastructure



## SAFETEA-LU: An Introduction

In July 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), continuing and significantly building upon the path created by previous highway authorization bills to ensure bicycling and walking garner a more prominent role in our nation's transportation system. Most importantly, SAFETEA-LU reaffirms the Federal government's commitment to make America a safer, healthier nation through broad funding eligibility for bicycling and walking projects and through such programs as Safe Routes to School, and the Non-Motorized Transportation Pilot Program.

Safe Routes to School (SRTS) is a new, national initiative designed to empower communities to make walking and bicycling to school a safe and routine activity once again. The program will help galvanize school children to get fresh air and exercise, and will also reduce fuel consumption, air pollution and congestion. This program has the potential to improve the living habits of an entire generation of schoolchildren.

In 1998, Congress passed the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), that continued the integration of bicycling and walking into the transportation mainstream. More importantly, it enhanced the ability of communities to invest in projects that can improve the safety and practicality of bicycling and walking for everyday travel. In 1991, Congress passed landmark transportation legislation, the Intermodal

Surface Transportation Efficiency Act (ISTEA) that recognized the increasingly important role of bicycling and walking in creating a balanced, intermodal transportation system.

TEA-21 built upon the foundation created by ISTEA. Two specific goals were stated at the outset of TEA-21: to double the percentage of trips made by foot and bicycle while simultaneously reducing the number of crashes involving bicyclists and pedestrians by 10 percent. According to the National Bicycling and Walking Study Ten-Year Status Report released in 2004, the total number of walking and bicycling trips rose to over 38 billion in 2001. This figure is nearly double the amount of trips taken in 1990. Safety measures have also improved, and the goal of reducing the amount of crashes by 10 percent has been achieved. Additionally, pedestrian and bicyclist fatalities have decreased by 18 percent since 1994.

SAFETEA-LU continues to provide funds to improve safe, accessible transportation, mobility, and healthier lifestyles.



# Funding Sources for Bicycle and Pedestrian Projects

Bicycle and pedestrian projects are broadly eligible for funding from most of the major Federal-aid highway, transit, safety, and other programs. Bicycle projects must be “principally for transportation, rather than recreation, purposes” and must be designed and located pursuant to the transportation plans required of States and Metropolitan Planning Organizations.

## **Federal-Aid Highway Programs**

*National Highway System (NHS)* funds may be used to construct bicycle transportation facilities and pedestrian walkways on land adjacent to any highway on the National Highway System including interstate highways.

*Surface Transportation Program (STP)* funds may be used for either the construction of bicycle and pedestrian walkways, nonconstruction projects for safe bicycle use, or to modify public sidewalks to comply with the “Americans with Disabilities Act”. Projects do not have to be within the right-of-way of a Federal-aid highway.

Either ten percent of each State’s annual STP funds, or the amount set aside in the State in FY 2005, whichever is greater, is set aside for Transportation Enhancement Activities (TEAs). Twelve specific activities are eligible TEAs; of those, three are pedestrian and bicycle facilities, safety and education for pedestrians and bicyclists, and rail-trails.

*Congestion Mitigation and Air Quality Improvement Program (CMAQ)* funds may be used for either the construction of bicycle transportation facilities and pedestrian walkways, or nonconstruction projects (such as maps, brochures, and public service announcements) related to safe bicycle use. Projects do not have to be within the right-of-way of a Federal-aid highway, but must demonstrate an air quality benefit.

*Recreational Trails Program* funds may be used for all kinds of trail projects. Of the funds apportioned to a State, 30 percent must be used for motorized trail uses, 30 percent for nonmotorized trail uses, and 40 percent for diverse trail uses (any combination). SAFETEA-LU now makes assessment of trail conditions for accessibility and maintenance an eligible use of funds.

Provisions for pedestrians and bicyclists are eligible for the various categories of the *Federal Lands Highway Program* in conjunction with roads, highways, and parkways. SAFETEA-LU makes eligible the independent construction of pedestrian walkways and bicycle transportation facilities. Priority for funding projects is determined by the appropriate Federal Land Agency or Tribal government



*National Scenic Byways Program* funds may be used for construction of facilities along a scenic byway for pedestrians and bicyclists.

*High Priority Projects and Designated Transportation Enhancement Activities* identified by SAFETEA-LU include numerous bicycle, pedestrian, trail, and traffic calming projects in communities throughout the country.

*Interstate Maintenance (IM)* funds may be used to resurface, restore, rehabilitate, and reconstruct pedestrian and bicycle facilities over, under, or along Interstate routes even though no eligibility is specified.

*Transportation, Community, and System Preservation Program (TCSP)* provides funding for a comprehensive program including planning grants and implementation grants to address the relationships among transportation and community and system preservation plans and practices, and to examine private sector based initiatives. Pedestrian and bicycle facility projects can be integral in this program.

*Coordinated Border Infrastructure Program* funds are eligible for pedestrian and bicycle facilities as a part of an overall project.

*Nonmotorized Transportation Pilot Program* funds the construction of infrastructure and educational programs that will demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load, and represent a major portion of the transportation solution, within Columbia, MO; Marin County, CA; Minneapolis, MN; and Sheboygan County, WI.

### **Federal Transit Program**

Title 49 U.S.C. (as amended by TEA-21) allows the *Urbanized Area Formula Grants*, *Capital Investment Grants and Loans*, and *Formula Program for Other than Urbanized Area* transit funds to be used for improving bicycle and pedestrian access to transit facilities and vehicles. Eligible activities include investments in “pedestrian and

bicycle access to a mass transportation facility” that establishes or enhances coordination between mass transportation and other transportation.

SAFETEA-LU maintained the 1 percent set-aside for the *Transit Enhancement Activity (TEA)* program designated for, among other things, pedestrian access and walkways, and “bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles.”

SAFETEA-LU created *Alternative Transportation in Parks and Public Lands (Transit in the Parks)* providing funding for alternative means of transportation in Federal Parks and Public Lands. Facilities for pedestrians and bicycles are eligible projects.

*Job Access and Reverse Commute Grants (JARC)* are available to support projects, including bicycle-related services, designed to transport welfare recipients and eligible low-income individuals to and from employment.



### **Highway Safety Programs**

Pedestrian and bicyclist safety remain priority areas for *State and Community Highway Safety Grants* funded by the Section 402 formula grant program. A State is eligible for these grants by submitting a Performance plan (establishing goals and performance measures for improving highway safety) and a Highway Safety Plan (describing activities to achieve those goals).

Research, development, demonstrations, and training to improve highway safety (including bicycle and pedestrian safety) are carried out under the *Highway Safety Research and Development* (Section 403) program.

*Highway Safety Improvement Program (HSIP)* funds may be used for pedestrian or bicyclist safety. Examples of eligible projects include the construction of yellow-green signs at pedestrian-bicycle crossings and in school zones, and the identification and correction of hazardous locations, sections, and elements that constitute a danger to bicyclists and pedestrians.

*Safe Routes to School (SRTS)* funds may be used for planning, design, and construction of infrastructure-related projects that will substantially improve the ability of primary and middle school students to walk and bicycle to school. Not less than 10 percent and not more than 30 percent of funds may also be used for noninfrastructure related activities to encourage walking and bicycling to school. Both infrastructure-related and behavioral projects will be geared toward providing a safe, appealing environment for walking and biking. The projects will improve the quality of our children's lives and support national health objectives by reducing traffic, fuel consumption, and air pollution in the vicinity of schools.

## **Federal/State Matching Requirements**

In general, the Federal share of the costs of transportation projects is 80 percent with a 20 percent State or local match. The Federal share can be modified upwards based upon the percentage of Federal lands in a given state.

There are also a number of exceptions to this rule.

- Federal lands Highway projects and Section 402 Highway Safety funds are 100 percent federally funded.

- Bicycle-related Transit Enhancement Activities are 95 percent federally funded.

- Highway Safety Improvement Projects are 90 percent federally funded. Bicycle-related transit projects (other than Transit Enhancement Activities) may be up to 90 percent federally funded.

- Individual Transportation Enhancement Activity projects under the STP can have a Federal match higher or lower than 80 percent. However, the overall Federal share of each State's Transportation Enhancement Program must be 80 percent.

- States with a higher percentage of Federal Lands have higher Federal shares calculated in proportion to their percentage of Federal Lands.

- The State and/or local funds used to match Federal-aid highway projects may include in-kind contributions (such as donations). Funds from other Federal programs may also be used to match Transportation Enhancement, Scenic Byways, and Recreational Trails program funds. A Federal agency project sponsor may provide matching funds to Recreational Trails funds provided the Federal share does not exceed 95 percent.



# Planning for Bicycling and Walking

States and Metropolitan Planning Organizations (a planning agency established for each urbanized area of more than a population of 50,000) are required to carry out a continuing, comprehensive, and cooperative transportation planning process that results in three products.

A long range (20 year) transportation plan provides for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities. Both State and MPO plans will consider projects and strategies to increase the safety and security of the transportation system for nonmotorized users.



A Transportation Improvement Plan (TIP) contains a list of proposed federally supported projects to be carried out over the next 4 years. Projects that appear in the TIP should be consistent with the long-range plan.

A State Transportation Improvement Plan (STIP) contains a list of proposed federally supported State projects to be carried out over the next 4 years. Projects that appear in the TIP

should be consistent with the long-range plan.



The transportation planning process is carried out with the active and ongoing involvement of the public, affected public agencies, and transportation providers.

Title 23 U.S.C. Sec. 217 states that bicyclists and pedestrians shall be given due consideration in the planning process (including the development of both the plan and TIP) and that bicycle facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities except where bicycle use and walking are not permitted. Transportation plans and projects shall also consider safety and contiguous routes for bicyclists and pedestrians. Safety considerations may include the installation of audible traffic signals





# Policy and Program Provisions

## ***State Bicycle and Pedestrian Coordinators***

Each State is required to fund a Bicycle and Pedestrian Coordinator position in its State Department of Transportation to promote and facilitate the increased use of nonmotorized transportation, including developing facilities for the use of pedestrians and bicyclists and public educational, promotional, and safety programs for using such facilities. Funds such as the CMAQ or STP may be used for the Federal share of the cost of these positions. In most States, the Coordinator is a fulltime position with sufficient responsibility to deal effectively with other agencies, State offices, and divisions within the State DOT.

## ***Safe Routes to School Coordinator***

Each State receiving an apportionment under the Safe Routes to School Program must fund a full-time Safe Routes to School State Coordinator. The coordinator will manage state SRTS programs and activities coordinating with state, regional, and local authorities and with non-profit organizations and safety advocates to promote bicycling and walking to school.



## ***Protection of Nonmotorized Transportation Traffic***

The Secretary shall not approve any project or take any regulatory action that will result in the severance of an existing major route, or have an adverse impact on the safety of nonmotorized transportation traffic and light motorcycles, unless such project of regulatory action provides for a reasonable alternate route or such a route already exists.

## ***Users of a Bicycle and Pedestrian Facility***

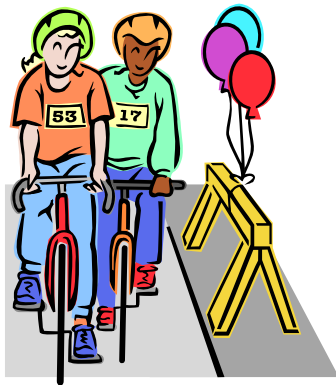
Motorized vehicles are not permitted on trails and pedestrian walkways except for maintenance purposes, motorized wheelchairs, and—when State or local regulations permit—snowmobiles and electric bicycles. Electric bicycles are defined for the purposes of this Act as a bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds with a top motor-powered speed not in excess of 20 miles per hour.

## ***High Occupancy Vehicle (HOV) Facilities***

SAFETEA-LU enhances and clarifies provisions governing the use and operation of HOV lanes. States are required to establish occupancy requirements for HOV lanes, with mandatory exemption for bicycles unless it creates a safety hazard.

# Facility Design Guidance

*Accommodating Bicycle and Pedestrian Travel: A Recommended Approach* is a policy statement adopted by the United States Department of Transportation drafted in response to section 1202(b) of TEA-21 with the input and assistance of public agencies, professional associations and advocacy groups. USDOT intends for public agencies, professional associations, advocacy groups, and others to adopt this approach as a way of committing themselves to integrating bicycling and walking into the transportation mainstream.



## Bridges

When a highway bridge deck—on which bicyclists are permitted or may operate at each end of the bridge—is being replaced or

rehabilitated with funds, safe accommodation of bicycles is required unless the Secretary of Transportation determines that this cannot be done at a reasonable cost.



## Railway-Highway Crossings

When improvements to at-grade railway-highway crossings are being considered, bicycle safety must be taken into account.



## Research, Special Studies, and Reports

TEA-21 continues funding for highway safety research (Section 403), the National Cooperative Highway Research Program (NCHRP) and Transit Cooperative Research Program (TCRP), all of which have funded research into pedestrian and bicycle issues. In addition, the legislation creates a number of new research areas, special studies, reports, and grant programs including:

SAFETEA-LU continues the Surface Transportation-Environmental Cooperative Research Program to evaluate transportation control measures, improve understanding of transportation demand factors, and develop performance indicators that will facilitate the analysis of transportation alternatives.

\$300,000 for fiscal year 2005, and then \$500,000 per year for fiscal years 2006-09 is made available for grants to a national not-for-profit organization engaged in promoting bicycle and pedestrian safety to operate a national clearinghouse, develop informational and educational programs, and disseminate techniques and strategies for improving bicycle and pedestrian safety.



The Secretary shall make grants to a national not-for-profit organization engaged in promoting Safe Routes to School to: operate a national SRTS clearinghouse; develop information and educational programs on SRTS; and provide technical assistance and dissemination techniques and strategies used for successful SRTS programs.

The Secretary shall establish a national SRTS task force to study and develop a strategy for advancing SRTS programs nationwide. From this task force the Secretary shall submit to Congress a report containing the results of the study conducted and a description of the strategy developed, and information regarding the use of SRTS funds in SAFETEA-LU.

The Bureau of Transportation Statistics is charged with establishing and maintaining a transportation database for all modes of transportation that will include “information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and Intermodal combinations, by all relevant classifications.

In carrying out the Non-motorized Pilot Program, the Secretary shall develop statistical information on changes in motor vehicle, nonmotorized transportation, and public transportation usage in the participating communities, and how such changes decrease congestion and energy usage, increase the frequency of bicycling and walking, and promote better health and a cleaner environment. The Secretary shall then submit to Congress interim and final reports on the results of the program.

## Conclusion

Bicycling and walking are important elements of an integrated, intermodal transportation system. Constructing sidewalks, installing bicycle parking at transit facilities, providing the means for safe and healthy transportation as well as teaching children to ride and walk safely at an early age, installing curb cuts and ramps for wheelchairs, striping bike lanes and building trails all contribute to our national transportation goals of safety, mobility, economic growth and trade, healthy and active lifestyles, and enhancement of communities and

the natural environment.

All of these activities, and many more, are eligible for funding as part of the Federal-aid Highway Program. The Safe, Accountable, and Efficient Transportation Equity Act: A Legacy for Users continues to confirm the place of bicycling and walking in the mainstream of transportation decision-making at the State and local level and enables communities to encourage more people to walk and bicycle safely.

### For More Information

**The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L.109-59** Available from the Government Printing Office or online at [www.dot.gov](http://www.dot.gov).

**Title 23, United States Code.** Available from the Government Printing Office or your local library system.



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